



Reprinted
February 16, 1999

SENATE BILL No. 97

DIGEST OF SB 97 (Updated February 15, 1999 2:55 pm - DI 71)

Citations Affected: IC 20-8.1; noncode.

Synopsis: Public school scholarship program. Establishes a public elementary and secondary school scholarship program. Allows the parent of a public school student to request a scholarship for the student to enroll in: (1) a different public school in the student's base school corporation; or (2) a public school in a different school corporation. Requires the receiving principal and superintendent to jointly agree to enroll a scholarship student. Allocates public funds for students who select a new school corporation, in a manner that counts a scholarship student in the ADM of the student's base school corporation, gives 50% of the state aid for that student to the receiving school corporation, and makes the parent responsible for costs of attendance that exceed the amount of the scholarship. Requires the parent to provide student transportation. Requires a school corporation that enrolls a scholarship student to determine whether to continue to
(Continued next page)

Effective: July 1, 1999.

Kenley

January 6, 1999, read first time and referred to Committee on Education.
February 11, 1999, reported favorably — Do Pass.
February 15, 1999, read second time, amended, ordered engrossed.

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enroll the student for the following year. Provides that the laws concerning transfer students, including court ordered transfer students, do not apply to a student who attends a public school outside the student's base school corporation under the scholarship program. Prohibits enrollment of a scholarship student that negates compliance with certain court orders. Provides for administration of the program by the department of education.

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February 16, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 97

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-1-1.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1999]: **Sec. 1.5. As used in this article,**
4 **"ADM" has the meaning set forth in IC 21-3-1.6-1.1.**

5 SECTION 2. IC 20-8.1-6.1-0.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 1999]: **Sec. 0.5. This chapter does not apply**
8 **to a student who under the public elementary and secondary school**
9 **scholarship program (IC 20-8.1-14) attends a public school that is**
10 **outside the school corporation where the student has legal**
11 **settlement.**

12 SECTION 3. IC 20-8.1-6.5-0.5 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 1999]: **Sec. 0.5. This chapter does not apply**
15 **to a student who under the public elementary and secondary school**
16 **scholarship program (IC 20-8.1-14) attends a public school that is**

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1 outside the school corporation where the student has legal
2 settlement.

3 SECTION 4. IC 20-8.1-14 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 1999]:

6 **Chapter 14. Public Elementary and Secondary School**
7 **Scholarship Program**

8 **Sec. 1.** As used in this chapter, "base school corporation" means
9 the school corporation where a student has legal settlement (as
10 defined in IC 20-8.1-1-7.1).

11 **Sec. 2.** As used in this chapter, "program" refers to the public
12 elementary and secondary school scholarship program.

13 **Sec. 3.** As used in this chapter, "public school" has the meaning
14 set forth in IC 20-10.1-1-2.

15 **Sec. 4.** As used in this chapter, "scholarship" refers to a
16 scholarship under the program.

17 **Sec. 5.** The public elementary and secondary school scholarship
18 program is established.

19 **Sec. 6.** On a date the department specifies that falls before the
20 beginning of a school year, the department shall grant scholarships
21 and renewal scholarships under this chapter.

22 **Sec. 7. (a)** The department shall grant a scholarship to a student
23 who meets the following requirements:

24 (1) The student's parent requests a scholarship for the
25 student.

26 (2) The student's parent selects a school for the student to
27 attend under the scholarship program.

28 (3) The school is a public school in Indiana that is:

29 (A) in the student's base school corporation but is a
30 different school from the school where the school
31 corporation has assigned the student; or

32 (B) not a school in the student's base school corporation.

33 (4) Except as provided in section 13(b) of this chapter, the
34 principal of the school and the superintendent of the school
35 corporation where the school is located jointly agree to enroll
36 the student in the school.

37 (b) The department shall grant a renewal scholarship to a
38 student who meets the following requirements:

39 (1) The student previously received a scholarship in any year.

40 (2) The requirements of subsection (a) are met.

41 (c) The department may not grant a scholarship to a student
42 who wishes to enroll in a school primarily for athletic reasons.



1 **Sec. 8.** Not later than June 30, a parent who seeks enrollment of
 2 a student under the scholarship program shall notify the
 3 superintendent of the school corporation in which the parent seeks
 4 to have the student enroll of the parent's request to have the
 5 student enrolled.

6 **Sec. 9. (a)** The superintendent of a school corporation where a
 7 parent seeks enrollment of a student under the scholarship
 8 program:

- 9 (1) is not required to enroll the student; and
 10 (2) may not enroll the student if enrollment will cause the
 11 school corporation to be out of compliance with a court order,
 12 including a court order described in IC 20-8.1-6.5-1.

13 **(b)** A superintendent may not refuse to enroll a student in
 14 violation of IC 20-8.1-2.

15 **(c)** A superintendent shall notify a parent who makes a request
 16 under section 8 of this chapter of the superintendent's decision not
 17 later than August 15.

18 **Sec. 10.** The following apply when a student uses a scholarship
 19 to enroll in a school in the student's base school corporation:

- 20 (1) There is no monetary scholarship award.
 21 (2) There is no change in:
 22 (A) the ADM of the school corporation; or
 23 (B) state assistance to the school corporation.
 24 (3) The school corporation is not required to provide
 25 transportation for the student.

26 **Sec. 11.** The following apply when a student uses a scholarship
 27 to enroll in a school that is not a school in the student's base school
 28 corporation:

- 29 (1) The amount of the scholarship award is fifty percent
 30 (50%) of the state aid per ADM provided under IC 21-3 to the
 31 student's base school corporation.
 32 (2) The student remains in the ADM of the student's base
 33 school corporation until the earlier of the following:
 34 (A) The date the student graduates from a high school.
 35 (B) The date of the end of the school year during which the
 36 student reaches eighteen (18) years of age.
 37 (3) The school that enrolls the student may not include the
 38 student in the school's ADM.
 39 (4) The department shall do the following:
 40 (A) Pay the amount of the scholarship to the school that
 41 enrolls the student.
 42 (B) Deduct the amount of the scholarship from the



1 distribution of state aid to the student's base school
2 corporation.

3 (5) The parent of the student is responsible for all costs of the
4 student to attend the school that exceed the amount of the
5 scholarship.

6 (6) The student's base school corporation and the school
7 corporation that enrolls the student are not responsible for
8 providing transportation for the student.

9 Sec. 12. Except as provided in section 13(b) of this chapter, at
10 the end of each school year the superintendent of the school
11 corporation that enrolls a student under the program and the
12 principal of the school the student attends shall jointly:

13 (1) determine whether to enroll the student for the following
14 school year; and

15 (2) inform the department of the decision.

16 Sec. 13. (a) The governing body of a school corporation may
17 adopt a policy that sets guidelines to be used in determining
18 whether:

19 (1) to accept a student for enrollment under the program; and

20 (2) to continue a student's enrollment under the program.

21 (b) Notwithstanding sections 7(a)(4) and 12 of this chapter, a
22 policy adopted under this section may provide that the governing
23 body makes a determination of whether to enroll a student or
24 continue a student's enrollment under the program.

25 Sec. 14. The department shall establish procedures for the
26 administration of this chapter.

27 Sec. 15. The department may adopt rules under IC 4-22-2 to
28 implement and administer the program.

29 SECTION 5. [EFFECTIVE JULY 1, 1999] (a) As used in this
30 SECTION, "department" has the meaning set forth in
31 IC 20-8.1-1-17.

32 (b) As used in this SECTION, "school year" has the meaning set
33 forth in IC 20-10.1-2-1.

34 (c) The department shall grant scholarships under IC 20-8.1-14,
35 as added by this act, beginning with the 2000-2001 school year.

36 (d) This SECTION expires July 1, 2002.



COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred Senate Bill No. 97, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 97 as introduced.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 6, Nays 4.

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SENATE MOTION

Mr. President: I move that Senate Bill 97 be amended to read as follows:

Page 2, line 34, delete "12(b)" and insert "**13(b)**".

Page 3, between lines 1 and 2, begin a new paragraph and insert:

"Sec. 8. Not later than June 30, a parent who seeks enrollment of a student under the scholarship program shall notify the superintendent of the school corporation in which the parent seeks to have the student enroll of the parent's request to have the student enrolled."

Page 3, line 2, delete "8." and insert "**9. (a)**".

Page 3, between lines 8 and 9, begin a new paragraph and insert:

"(b) A superintendent may not refuse to enroll a student in violation of IC 20-8.1-2.

(c) A superintendent shall notify a parent who makes a request under section 8 of this chapter of the superintendent's decision not later than August 15."

Page 3, line 9, delete "9." and insert "**10.**".

Page 3, line 17, delete "10." and insert "**11.**".

Page 3, line 42, delete "11." and insert "**12.**".

Page 3, line 42, delete "12(b)" and insert "**13(b)**".

Page 4, line 7, delete "12." and insert "**13.**".

Page 4, line 12, delete "11" and insert "**12**".

Page 4, line 16, delete "13." and insert "**14.**".

Page 4, line 18, delete "14." and insert "**15.**".

(Reference is to SB 97 as printed February 12, 1999.)

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